IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTY FIFTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.1037 OF 2006

Between:

B.Manikyala Rao … Petitioner

Versus

The Joint Sub-Registrar,

Narasaraopet, Guntur district. … Respondent

Counsel for the Petitioner: Mr.E.V.Bhagiratha Rao (292)

Counsel for the Respondent: G.P. for Revenue

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O R D E R :

This writ petition is filed to declare the proceedings of the respondent dated 15-12-2005 keeping the document no. P-96/2005 pending registration as illegal, unjust, arbitrary and violative of Article 14 of the Constitution of India and the provisions of the Indian Registration Act.

It is stated that an extent of 1-49 acres situate at Narasaraopet town belongs

American Baptist Foreign Mission Society (ABFMS) and the petitioner was authorized by International Ministries, ABC-USA, vide proceedings dated 05-12-2005 to execute, convey or sale or any deed in accordance with the Indian Law in respect of the land in survey nos. 1541, 1542, 1544, 1734 in an extent 1-49 acres situate at ABM West Compound and Hird Junior College, Narasaraopet.

It is further stated that a portion of the said house site was sold and presented sale deed which was kept pending in P-96/2005. But the said sale deed has not been registered by the respondent on the following grounds :

i. *Determination of market value of the property, which is the subject matter of the document by the District Registrar, Narasaraopet, who is Collector, under section 47-A of the Indian Stamps Act, 1899 and Collection of the deficit duty, if any.*

ii. *No objection certificate from the District Collector, Guntur as per District Collector, Guntur Lr.Rc.No. 2696/2005/E4 dated 29-7-2005 communicated by District Registrar, Narasaraopet, Endt. No. G1/606/2005/E4 dated 06-8-2005*.

In so far as first ground is concerned, the petitioner has no objection to comply it.

Whereas the second objection is concerned, it is stated that the District Collector, Guntur, has no power to issue any instructions or orders to the registering authority prohibiting registration of the sale deeds.

It is stated that under section 22-A (1) of the Registration Act, 1908 authorizes the State Government may, by notification in the official gazette, declare that the registration of any document or clause of document is opposed to public policy. (2) Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which notification issued under sub-section (1) is applicable.

It is stated that in respect of the land there is no need to get 'no objection certificate' from the District Collector, Guntur.

In view of the aforesaid facts and circumstances, I deem it appropriate to dispose of this writ petition directing the respondent to register the document presented by the petitioner for registration in accordance with law, within four weeks, from the date of receipt of a copy of this order, subject to compliance with the provisions of the Registration Act and Indian Stamps Act, 1899.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JANUARY 25th, 2005. ----------

l s L. V. ESWARAIAH, J.